



Notice of Violation

September 26, 2018

Star Canyon LLC
c/o Randy Nathan
1246 Rose Street
Berkeley, CA 94702

(Sent via E-mail to randy@calaveraswines.com)

Little Property
c/o Marry Little
Address Unknown

Subject: Notice of Violation
Site Cleanup Program Case No. RO0002728
GeoTracker Global ID T06019780605
Little Property
1201 32nd Street, Oakland, CA 94608

Dear Responsible Parties:

Alameda County Department of Environmental Health (ACDEH) has conducted a review of the case file for the above referenced property (the "Site") which indicates that the above referenced case (the "Case") is not in compliance with the following:

- ACDEH directive letter dated April 6, 2018;
- ACDEH directive letter dated March 3, 2018;
- ACDEH request for funds dated June 14, 2018;
- ACDEH request for funds dated December 20, 2017
- ACDEH Notice to Comply dated June 28, 2009; and
- ACDEH directive letter dated December 12, 2006.

ACDEH is providing regulatory oversight for the Case, which was transferred to ACDEH's oversight by the City of Oakland Fire Department on October 6, 2004. ACDEH's regulatory oversight of the Case has been conducted under the Site Cleanup Program (SCP) and is associated with trichloroethene (TCE) contamination in soil and groundwater. ACDEH's review of the case file indicates that there is (1) a potential unacceptable risk of TCE exposure to on-site and off-site receptors and (2) a history of non-compliance associated with this case.

In order to regain compliance, please submit the deliverables requested in Section IV below by the compliance dates indicated. **Failure to comply with these compliance requirements by the dates specified in Section IV will result in ACDEH pursuing enforcement action, which may include referral to the District Attorney (copied below).** Please note that civil penalties for non-compliance may be assessed from the original due date (March 20, 2007).

Additional actions may include referral to state agencies (San Francisco Bay Regional Water Quality Control Board or Department of Toxic Substances Control) to evaluate for additional actions which can include citations and fines under State Water Codes and engagement of collections agencies for past due payments.

I. SITE ENVIRONMENTAL CONDITIONS

Trichloroethene (TCE) has been reported as present in soil and groundwater at the Site at maximum concentrations of 17 milligrams of analyte per kilogram of sample (mg/kg) in soil and 1,100,000 micrograms of analyte per liter of sample (µg/L) in groundwater. Soil and groundwater analytical data for the Site is available from two subsurface investigations that were conducted in June 2000 and November 2004. The extents of the soil and groundwater contamination that exceed applicable risk based screening levels has not been defined. Soil Vapor and potential vapor intrusion issues have not been evaluated.

A review of the Alameda County Assessor's Office records has identified a common owner, Star Canyon LLC, for both the Site and the property adjacent to the south located at 3137 Magnolia Street (the "Magnolia Street Property"). During a review of the case file ACDEH identified several land uses at the Site and the adjacent Magnolia Street Property that are potential contributors to TCE contamination. Of particular interest is Oakland Short Run Tool and Die, which has historically been associated with both the Site and the Magnolia Street Property.

II. SITE LOCATION AND POTENTIAL RECEPTORS

The Site is located in the northwestern portion of Oakland at the southwestern corner of 32nd Street and Magnolia Street. ACDEH understands that the Site is currently unoccupied and improvements at the Site were destroyed in a fire in 1998. Properties adjacent to and in the vicinity of the Site consist predominantly of single family and multi-family residences with the exception of the Magnolia Street Property to the South of the Site.

III. SUMMARY OF REGULATORY ACTIONS AND RESPONSES

On December 27, 2006, ACDEH issued a directive letter requesting submittal of a work plan for subsurface investigation activities to delineate the extent TCE contamination that was reported at maximum concentrations of 17 mg/kg in soil and 1,100,000 µg/L in groundwater. Following issuance of the December 27, 2006 directive letter, ACDEH received no further correspondence from the responsible parties and the Case became inactive.

On July 28, 2009, ACDEH attempted to re-engage the responsible parties and issued a Notice to Comply letter requiring that the Site be claimed in the State Water Resources Control Board's GeoTracker database and that the case be brought into compliance with electronic submittal of information (ESI) reporting requirements. A response to the July 28, 2009 Notice to Comply letter had not been received and the site remained out of compliance and inactive.

In November 2017, ACDEH was contacted by the Alameda County Public Works Association (ACPWA) regarding a request for a permit to advance soil borings at the property adjacent and to the south of the Site located at 3137 Magnolia Street (the Magnolia Street Property). During ACDEH's review of the permit clearance request, and as documented in the email correspondence from ACDEH dated December 27, 2017, a common owner for both the Magnolia Street Property and the Site were identified and the Case was re-activated. As such, ACDEH attempted to re-engage the responsible parties and re-activate the case. A stakeholders meeting was held on January 30, 2018 in which ACDEH requested submittal of a work plan to (a) evaluate vapor intrusion risk to receptors at the Site and in the vicinity of the Site and (b) characterize the source area and extents of environmental contamination associated with historic industrial operations at the Site. A *Work Plan for Limited Phase II Subsurface Investigation* dated February 21, 2018 (the "VI Work Plan") was submitted by Eras Environmental (ERAS) on behalf of Mr. Randy Nathan of Star Canyon LLC. The VI Work Plan proposed a scope of work to collect soil vapor, sub-slab vapor, and indoor air samples to evaluate potential vapor intrusion risk at the Site and surrounding properties. ACDEH issued a directive letter on March 14, 2018, which formalized the verbal conditional approval for implementation of the VI Work Plan that was issued on February 27, 2018. The March 14, 2018 directive letter also requested submittal of two technical documents by March 30, 2018: (1) a technical report documenting the results of the soil vapor and indoor air investigation and (2) a work plan for the characterization of soil and groundwater. Following issuance of the March 14, 2018 directive letter, ACDEH was informed by ERAS that Patrick Sullivan of GeoSolve, Inc. had been retained by Mr. Nathan and that ERAS would no longer be involved in environmental activities at the Site.

On April 2, 2018, ACDEH received a request for an extension for the compliance dates of the March 14, 2018 directive letter. On April 2, 2018, ACDEH extended the compliance date for the submittal of a technical report documenting the implementation of the VI Work Plan to April 13, 2018 and extended the compliance date for submittal of a work plan for soil and groundwater characterization to April 30, 2018.

On April 4, 2018, ACDEH conducted a teleconference call with Mr. Sullivan. However, Mr. Nathan did not participate in the call, reportedly due to health issues. During this call, Mr. Sullivan proposed several modifications to the

approved VI Work Plan. On April 6, 2018, ACDEH issued a directive letter requiring submittal of (1) Indoor Air, Ambient Air, and Sub-Slab vapor Sampling and Analysis Plan by April 9, 2018; (2) Accelerated Response and Urgent Response Action Plan by April 12, 2018; (3) Public Notice and Fact Sheet by April 12, 2018; and (4) Results of Indoor Air, Ambient Air, and Sub-Slab Sampling by not later than April 13, 2018.

IV. DELIVERABLES AND TECHNICAL REPORTS REQUEST

Submit the following technical reports and deliverables to ACDEH (Attention: Jonathan Sanders) in accordance with the compliance dates provided below and the *Responsible Party(ies) Legal Requirements/Obligations* and the *File Names for Electronic Reports* which are included as **Attachment A** and **Attachment B** respectively.

1. Public Notice and Fact Sheet
Compliance Date: October 12, 2018

Submit a Public Notice and Fact Sheet in accordance with the requirements described in ACDEH's April 6, 2018 directive letter.

2. Accelerated response and Urgent Response Action Plan
Compliance Date: October 12, 2018

Submit an Accelerated Response and Urgent Response Action Plan in accordance with the requirements described in ACDEH's April 6, 2018 Directive Letter.

3. Soil Vapor and Indoor Air Investigation Report
Compliance Date: October 26, 2018

Submit a technical report documenting implementation of the VI Work Plan. This report must document incorporation of ACDEH's technical comments that were provided in ACDEH's March 14, 2018 directive letter as a condition of approval of the VI Work Plan.

4. Work Plan for Characterization of Soil and Groundwater
Compliance Date: October 26, 2018

Submit a work plan to characterize soil and groundwater contamination at the Site and surrounding properties. This Work Plan must be prepared in accordance with the requirements identified in ACDEH's December 27, 2006 directive letter and ACDEH's March 14, 2018 directive letter.

5. Electronic Submittal of Information GeoTracker Compliance
Compliance Date: October 26, 2018

In accordance with ACDEH's July 28, 2009 Notice to Comply, the case must be claimed in the GeoTracker database and brought into compliance with GeoTracker electronic submittal of information requirements. GeoTracker reporting requirements are described in Section 3893 of the California Code of Regulations.

6. Payment of Past Due Statement Balance
Compliance Date: October 12, 2018

Remit payment in accordance with requirements of ACDEH's Statement of Account dated June 14, 2018.

CLOSING

ACDEH looks forward to continuing to work with you and your consultants to advance the case toward closure. Should you have any questions regarding this correspondence or your case, please contact the primary caseworker, Jonathan Sanders who can be reached by phone at (510)567-6791 or by e-mail at jonathan.sanders@acgov.org.

Sincerely,



Dilan Roe, P.E. C73703
Chief
Land & Water Division



Jonathan Sanders
Senior Hazardous Materials Specialist
Local Oversight and Site Cleanup Program

ENCLOSURES:

Attachment A Responsible Party(ies) Legal Requirements / Obligations

Attachment B File Names for Electronic Reports

DISTRIBUTION LIST:

Electronic File, GeoTracker

Alyce Sandbach, Office of the District Attorney (Sent via E-mail to: alyce.sanbach@acgov.org)

Dilan Roe, ACDEH, Chief Land & Water Division (Sent via E-mail to: dilan.roe@acgov.org)

Paresh Khatri, Supervising Hazardous Materials Specialist (Sent via E-mail to: paresh.khatri@acgov.org)

Jonathan Sanders, ACDEH, Senior Hazardous Materials Specialist (Sent via E-mail to: jonathan.sanders@acgov.org)

Patrick Sullivan, GeoSolve, Inc., (sent via E-mail to: psullenv@gmail.com)

Andrew Savage, ERAS, (sent via E-mail to: andrew@eras.biz)

ATTACHMENT A

Responsible Party(ies) Legal Requirements / Obligations

Alameda County Environmental Cleanup Oversight Programs (LOP and SCP)	REVISION DATE: December 14, 2017
	ISSUE DATE: July 25, 2012
	PREVIOUS REVISIONS: September 17, 2013, May 15, 2014, December 12, 2016
SECTION: ACDEH Procedures	SUBJECT: Responsible Party(ies) Legal Requirements / Obligations

REPORT & DELIVERABLE REQUESTS

Alameda County Department of Environmental Health (ACDEH) Cleanup Oversight Programs, Local Oversight Program (LOP) and Site Cleanup Program (SCP) require submission of all reports in electronic form to the State Water Board's (SWB) GeoTracker website in accordance with California Code of Regulations, Chapter 30, Division 3, Title 23 and Division 3, Title 27.

Leaking Underground Fuel Tank (LUFT) Cases

Reports and deliverable requests are pursuant to California Health and Safety Code Section 25296.10. 23 CCR Sections 2652 through 2654, and 2721 through 2728 outline the responsibilities of a responsible party (RP) in conjunction with an unauthorized release from a petroleum underground storage tank (UST) system.

Site Cleanup Program (SCP) Cases

For non-petroleum UST cases, reports and deliverables requests are pursuant to California Health and Safety Code Section 101480.

ELECTRONIC SUBMITTAL OF REPORTS

A complete report submittal includes the PDF report and all associated electronic data files, including but not limited to GEO_MAP, GEO_XY, GEO_Z, GEO_BORE, GEO_WELL, and laboratory analytical data in Electronic Deliverable Format™ (EDF). Additional information on these requirements is available on the State Water Board's website (http://www.waterboards.ca.gov/water_issues/programs/ust/electronic_submittal/)

- Do not upload draft reports to GeoTracker
- Rotate each page in the PDF document in the direction that will make it easiest to read on a computer monitor.

GEOTRACKER UPLOAD CERTIFICATION

Each report submittal is to include a GeoTracker Upload Summary Table with GeoTracker valid values¹ as illustrated in the example below to facilitate ACDEH review and verify compliance with GeoTracker requirements.

GeoTracker Upload Table Example

Report Title	Sample Period	PDF Report	GEO_MAPS	Sample ID	Matrix	GEO_Z	GEO_XY	GEO_BORE	GEO_WELL	EDF
2016 Subsurface Investigation Report	2016 S1	✓	✓	Effluent	SO	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	✓
2012 Site Assessment Work Plan	2012	✓	✓			<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
2010 GW Investigation Report	2008 Q4	✓	✓	SB-10	W	✓	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	✓
				SB-10-6	SO	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	✓
				MW-1	WG	✓	✓	✓	✓	✓
				SW-1	W	✓	✓	✓	✓	✓

¹ GeoTracker Survey XYZ, Well Data, and Site Map Guidelines & Restrictions, CA State Water Resources Control Board, April 2005

Alameda County Environmental Cleanup Oversight Programs (LOP and SCP)	REVISION DATE: NA
	ISSUE DATE: December 14, 2017
	PREVIOUS REVISIONS: September 17, 2013, May 15, 2014, December 12, 2016
SECTION: ACDEH Procedures	SUBJECT: Responsible Party(ies) Legal Requirements / Obligations

ACKNOWLEDGEMENT STATEMENT

All work plans, technical reports, or technical documents submitted to ACDEH must be accompanied by a cover letter from the responsible party that states, at a minimum, the following: "I have read and acknowledge the content, recommendations and/or conclusions contained in the attached document or report submitted on my behalf to the State Water Board's GeoTracker website." This letter must be signed by the Responsible Party, or legally authorized representative of the Responsible Party.

PROFESSIONAL CERTIFICATION & CONCLUSIONS/RECOMMENDATIONS

The California Business and Professions Code (Sections 6731, 6735, and 7835) requires that work plans and technical or implementation reports containing geologic or engineering evaluations and/or judgments be performed under the direction of an appropriately licensed or certified professional and include the professional registration stamp, signature, and statement of professional certification. Additional information is available on the Board of Professional Engineers, Land Surveyors, and Geologists website at: <http://www.bpelsg.ca.gov/laws/index.shtml>.

UNDERGROUND STORAGE TANK CLEANUP FUND

For LUFT cases, RP's non-compliance with these regulations may result in ineligibility to receive grant money from the state's Underground Storage Tank Cleanup Fund (Senate Bill 2004) to reimburse the cost of cleanup. Additional information is available on the internet at: https://www.waterboards.ca.gov/water_issues/programs/ustcf/

AGENCY OVERSIGHT

Significant delays in conducting site assessment/cleanup or report submittals may result in referral of the case to the Regional Water Board or other appropriate agency, including the County District Attorney, for possible enforcement actions. California Health and Safety Code, Section 25299.76 authorizes enforcement including administrative action or monetary penalties of up to \$10,000 per day for each day of violation.

ATTACHMENT B

File Name for Electronic Reports

Alameda County Environmental Cleanup Oversight Programs (LOP and SCP)	REVISION DATE: April 4, 2018
	PREVIOUS REVISIONS: April 4, 2018, July 17, 2017, November 8, 2016, December 15, 2015, December 16, 2014, June 19, 2013, June 15, 2011, March 26, 2009, April 29, 2008
	ISSUE DATE: June 16, 2006
SECTION: Miscellaneous Administrative Topics & Procedures	SUBJECT: File Names for Electronic Reports

Format: REPORT_NAME_R_YYYY-MM-DD
Ex: SWI_R_VOL1_2006-05-25

LOP and SCP (VRAP) INCOMING REPORTS AND LETTERS	
Document Name	Abbreviation File Name= Abbreviation + Date (yyyy- mm-dd)
Abandoned Well Information/Water Supply Well Information	ABWELLINF_R
Addendum	ADEND_R (added after report name)
Additional Information Report	ADD_R
Analytical Reports (Loose data sheets not in report)	ANALYT_R
As Built Drawings (or Plans)	AS_BUILT
Case File Scanned By OFD	CASE_FILE
Cleanup and Abatement Report	CAO_R
Case Transfer Form (from CUPA)	CASE_TRNSFR_F
Conduit Study/Well Search/Sensitive Receptor/Well Survey/Preferential Pathway Study	COND_WELL_R
Corrective Action Plan (CAP)	CAP_R
Correspondence	CORRES_L
Court Injunctions	INJ_L
Development Entitlement	DEV_ENTITLE
Development Plans (Includes Plan Set, Cross-sections, and Related Drawings)	DEV_PLAN
Development Schedule (Project Schedule, Gant Chart, etc.)	DEV_SCHD
DWR Confidential Well Logs (Report containing)	report name_R_CONFIDENTIAL_YYYY-MM-DD (Ex: SWI_R_CONFIDENTIAL_YYYY-MM-DD)
DWR Well Completion Report-Confidential (Loose well logs)	DWR_WELL_CONFIDENTIAL_YYYY-MM-DD (Date of Well Log)
ESI/DAR (Environmental Site Investigation, Data Assessment Report)	ESI_R
Excavation Report	EX_R
Extension Request Letter	EXT_RQ_L

Fact Sheet	FACT_SHT
Feasibility Study	FEASSTUD_R
Groundwater Monitoring/Quarterly Summary Report	GWM_R
Financial Assurance/Letter of Credit	FNCL_ASSRNC_LOC
Interim Remedial Action Plan	IRAP_R
Interim Remediation Results (Includes Pilot Test Reports, Vapor Mitigation Reports, Soil Management Reports, Free Product Removal Reports, & Dual-Phase Extraction Reports)	IR_R
Lawsuit	LAWSUIT_R
Migration Control Report	MIG_R
Miscellaneous Report/Soil Sample	MISC_R
Miscellaneous Sample Report (analytical results)	MISC_SAMP_R
Notification Letter	NOT_L
NPDES Miscellaneous Reports	NPDES_R
Operations & Maintenance Plan	OM_P
Operations & Maintenance Report	OM_R
Pay for Performance	PFP_R
Petition	PETITION_R
Phase 1 Environmental Assessment Report	PHASE1_R
Photos	PHOTO
Preliminary Site Assessment Report/Phase 2 (historic reports only)	PSA_R
Remedial Action Plan	RAP_R
Remedial Design & Implementation Plan	RDIP_R
Remediation Progress Report	REM_R
Request for Closure	RFC(_L or _R)
Risk Assessment Report	RISK_R
Risk Based Corrective Action	RBCA_R
List of Landowners Forms	LNDOWNR_F
SB2004 Letter of Commitment	LOC_L
Site Conceptual Model/Conceptual Site Model	SCM_R
Site Health & Safety Plan	SFTY_PLAN_R
Site Management	SITE_MANAGE_R_
Acknowledgement Statement for Site Management Plan	SMP_ACK_L
Site Management Plan	SMP_R
Site Summary Report	SITE_SUM_R

Soil and Water Investigation Report (Includes soil gas/vapor reports, indoor, additional site investigation, well installation, site characterization, cross section, indoor air, additional onsite investigation, Phase II/preliminary site assessment)	SWI_R
Soil Disposal Report	SOIL_DSPL_R
Source Area Characterization	SOURCAREA_R
State Information	STATE_INFO (no date)
Status Report(monthly remediation status reports addressed to sanitary district requires no stamp/perjury letter)	STAT_R
Tank/Tank System Removal Report	TNK_R
Tentative Order Report	TENT_R
Unauthorized Release Form	URF_R
UST Sampling Report	UST_SAMP_R
USTCF 5 Year Review	USTCF_5YR
USTCF issued Public Notice	USTCF_PP_L
Well Construction Report (limited to water supply wells)	WELL_CST_R
Well Decommissioning Report/Letter (well destruction/abandonment)	WELL_DCM_R
Work Plan	WP_R